

## REMARKS

Prior to entry of this paper, Claims 1-43 were pending. In this paper, Claims 1, 11, 16-17, 19-22, 30, and 40 are amended. Claim 30 has been amended to correct typographical errors, and for no reason related to narrowing the scope of the claim. No claims are added. No claims are canceled. No new matter is added by way of these amendments. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record and respectfully request that the Examiner pass this application to issue.

### **Claim Rejections Under 35 U.S.C. §102**

The Final Office Action rejected Claims 1-2, 6-7, 9, 16-18, 20, 22-26, 28-30, 31-32, and 40-41 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0139193 to Buckley ("Buckley"). Applicants respectfully traverse these rejections.

Applicants respectfully maintain that Buckley does not disclose “formatting the first message to be readable by a mobile browser, and sending the formatted first message towards the mobile browser,” as recited in at least Claim 1. Specifically, Buckley neither sends the first message, nor formats the first message for transmission, as claimed by the Applicants.

A careful review of paragraphs 27-33 on pages 2-3 of Buckley discloses the use of four messages in the sending of a digital data file to the destination wireless device. The first of these four messages in Buckley is a data message request that “includes the digital data to be transferred to a wireless device” (see Buckley, pg 2, paragraph 27) sent to a central hub. See Buckley, pg 2, paragraph 28; Fig. 5A, step 204. The “hub stores the data at a database server and generates a uniform resource locator (“URL”) address for the data.” See Buckley, pg 2, paragraph 29. The second message is an SMS message sent to the destination wireless device and is generated by the hub to “include the classid and URL.” See Buckley, pg 3, paragraph 29 & 33. The classid is an application identifier to an application on the destination wireless device. The third message is a data request message to retrieve the data file as requested by the application on the wireless device identified by the classid. See Buckley, pg 3, paragraph 33. The hub then retrieves the data file,

through the fourth message, and transmits it to the destination wireless device. Finally, “[t]he invoked application (of the destination wireless device) then receives the data message” (i.e. the fourth message). See Buckley, pg 3, paragraph 33. Therefore Buckley does not transmit the first message to the destination wireless device at all. Instead, Buckley transmits a fourth message that is not the first message, nor includes the first message. For at least this reason, Buckley does not anticipate nor render obvious Claim 1. Claim 1 is thus in condition for allowance, and should be allowed to issue.

In addition, we respectfully hold that Buckley’s *data file* is neither disclosed explicitly nor inherently as HTTP formatted before the fourth message is sent. Instead, as disclosed, the application on Buckley’s wireless device formats the message after the message is received. “The invoked application (*of the destination wireless device*) then receives the data message and *processes the data file*” (emphasis added). See Buckley, pg 3, paragraph 33. Because the data file is formatted by the destination wireless device’s application after receipt, it cannot be implicit that the data file is converted prior to sending. If Buckley did convert the data file prior to sending, Buckley’s conversion of the data file *after* it is received would become irrelevant. However, because Buckley explicitly discloses conversion of the data file *after it is received by the wireless device*, it is apparent that the data file is not converted before it is sent. Therefore, it is neither taught nor suggested (even inherently) by Buckley that the data file is converted prior to being sent to the destination wireless device. For at least this reason, Buckley does not anticipate nor render obvious at least Claim 1. Claim 1 is thus in condition for allowance, and should be allowed to issue.

Furthermore, Buckley does not disclose “receiving an alert indicating a first message is available for the mobile device” as claimed in at least amended Claim 1. The first office action suggests that Buckley’s “data message request” anticipates this alert. However, the data message request disclosed by Buckley does not disclose or suggest an alert, because “the data message request includes the digital data,” and is therefore not the alert as recited in at least claim 1 of the Applicants. (See Buckley, pg 3, paragraphs 27 & 29. Therefore, for at least this reason, Buckley’s request does not anticipate nor render obvious at least Claim 1. Claim 1 is thus in condition for allowance, and should be allowed to issue.

Independent Claims 16, 23, 29, 34, and 40 recite similar, albeit different, limitations to Claim 1. At least for the reasons recited above for Claim 1, independent Claims 16, 23, 29, 34, and 40 should also be in condition for allowance. Additionally, dependent Claims 2-15, 17-22, 24-28, 30-33, 35-39, and 41-43 are allowable for at least the same reasons as independent Claims 1, 16, 23, 29, 34, and 40 upon which they depend.

**Rejection of Claims Under 35 U.S.C. § 103**

The Office Action rejected claims 3, 4, 8, 10, 19, 21, 27, and 33 under 35 U.S.C. §103(a) as being unpatentable over Buckley in view of U.S. patent No. 6,122,485 issued to Archer (hereafter “Archer”). Applicants respectfully traverse these rejections. Claims 3, 4, 8, 10, 19, 21, 27, and 33 depend from Claims 1, 16, 23, and 29, which have been argued above as allowable. Therefore, Claims 3, 4, 8, 10, 19, 21, 27, and 33 should also be allowable for substantially similar reasons as Claims 1, 16, 23, and 29.

The Office Action rejected claims 5, 11, 14, 30, and 34-36 under 35 U.S.C. §103(a) as being unpatentable over Buckley in view of U.S. patent No. 6,898,422 issued to Bern et al. (hereafter “Bern”). Applicants respectfully traverse these rejections.

Claim 34 recites similar, albeit different, limitations to Claim 1. As discussed in regards to Claim 1, Buckley does not teach the elements of the claim. Bern also does not teach the limitation of formatting the message to be readable by a mobile browser. Therefore, Buckley in view of Bern does not make obvious Claim 34.

Claims 5, 11, 14, 30, and 35-36 depend from Claims 1, 16, 23, 29, and 34 which has been argued as allowable. Therefore, Claims 5, 11, 14, 30, and 35-36 should also be allowable for substantially similar reasons as for Claim 1, 16, 23, 29, and 34.

The Office Action rejected Claims 12-13 under 35 U.S.C. §103(a) as being unpatentable over Buckley in view of WO 03/030474 A2 to Corrigan et al (hereinafter “Corrigan”). Applicants respectfully traverse these rejections. Claims 12-13 depend from Claim 1 which has been argued as

allowable. Therefore, Claims 12-13 should also be allowable for substantially similar reasons as for Claim 1.

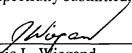
**CONCLUSION**

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believe that it has placed each of the pending claims in condition for immediate allowance. Early favorable action in the form of a Notice of Allowance is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

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Respectfully submitted,

By

  
Jamie L. Wiegand

Registration No.: 52,361

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 262-8900

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant